

Application No. 10/721,487

Remarks

Applicants thank the Examiner for his careful consideration of the application.

Claims 2, 3, 5-13 and 16 are allowed.

Specification Objections

The specification was formally objected to for failure to provide "headings" (subtitles) for the various sections. [There is no dispute that all the parts of this application are in the proper *order and sequence*.] This objection solely for not having such internal "headings" is respectfully traversed as *not* a USPTO *mandatory* requirement for patent applications, as the USPTO has acknowledged. These "headings" are merely *suggested* in 37 CFR 1.77 "Arrangement of application." 37 CFR 1.77 is *not* a *mandatory* PTO Rule. 37 CFR 1.77(c) says that the respective text, if applicable "SHOULD" be preceded by a section heading in uppercase [and not underlined or bolded]. There is no dispute as to the meaning of "should" in a PTO Rule. E.g., the August 1998 issue of the POPANEWS, the Patent Office Professional Association newsletter [reporting a PTO examiner arbitration decision] states that: "Noteworthy for examiners was [PTO] management's admission during the arbitration that the wording of a rule in the Manual of Patent Examining Procedure determines whether it is permissive or mandatory. PTO counsel and a management witness both agreed that the MPEP's use of 'should' means the rule is permissive, while the use of 'shall' states the rule is mandatory." Furthermore, another reason this rule is not mandatory is that the use of such subtitles within the specification is not allowed in many foreign equivalent patent applications, thus requiring amendments of U.S. specifications to remove them for foreign filing, contrary to PTO "harmonization" policies.

Claim Objections

Claims 1, 4, 14, 15 and 17-20 were objected to because of informalities. Claims 1, 4, 14, 15 and 17-20 have been amended in accordance with the Examiner's suggestions, and these claims are now in condition for allowance.

Application No. 10/721,487

Conclusion

No additional fee is believed to be required for this amendment. However, the undersigned Xerox Corporation attorney hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Corporation Deposit Account No. 24-0025. This also constitutes a request for any needed extension of time and authorization to charge all fees therefor to Xerox Corporation Deposit Account No. 24-0025.

If the Examiner has any remaining questions or issues to address after this paper, the undersigned will be happy to discuss any further Examiner-proposed amendments as may be appropriate.

Respectfully submitted,

Joseph M. Young  
Attorney for Applicants  
Registration No. 45,248  
Telephone (585) 423-4554

JMY/gmm